

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 5/8/74 (by pltf.)

D. C. Form No. 106A Rev.

6

TITLE OF CASE		ATTORNEYS	
<p>BIRUTA DZENITS</p> <p>VS</p> <p>MERRILL, LYNCH, PIERCE, FENNER &amp; SMITH, INC., and JAMES A. BILLINGTON</p>		<p>For plaintiff:</p> <p>R. Robert Huff <i>517-7314</i>  604 Philtower Building  Tulsa, Oklahoma 74103</p> <p>James R. Eagleton  1606 First Place  Tulsa 74103</p> <p>For defendant:</p> <p>John S. Athens, <i>Russell H. Harbaugh, Jr.</i>  Conner, Winters, Ballaine, Barry &amp; McGowen  711 First National Building  Tulsa, Oklahoma 74103</p>	

  

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>11-1-71</i> <i>5-1-74</i>	Clerk	10-26-71	Huff	15 00	
		10-28-71	C.D.No.20		15 00
		3-9-73	Huff	5 00	
		3-15-73	C.D.No.40		5 00
J.S. 6 mailed <i>2-1-73</i> <i>11-1-74</i>	Marshal				
Basis of Action: Violation of Sec. & Exch. Act of 1934,	Docket fee				
Sec. Act. of 1933 & Com-	Witness fees				
modity Exch. Act of 1936	Depositions				
Action arose at:					

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-26-71	Complaint, filed. Summons issued. m	
10-28-71	Summons, returned & filed: served Merrill, Lynch, Pierce, Fenner & Smith, Inc. at Tulsa, Ok. 10-27-71. (USM \$3.00)g	
11-16-71	Application of the Defendants for enlargement of time within which to plead or answer (With Order as a part of the pleading), filed. v	
11-18-71	Order enlarging time for the defendants to plead or answer, until Dec. 16, 1971, filed. (LB-J)v	
12-16-71	Combined Motions of Defendants Merrill Lynch, Pierce, Fenner & Smith, Inc., and James a. Billington for a more definite statement, to strike Redundant and Immaterial Matter, and To Dismiss the Complaint, filed. v	
12-16-71	Brief in Support of combined motions of Defendants for a amore definite statement, to strike redundant and immaterial matter, and to dismiss the complaint, filed. v	
1-12-72	Hearing held on combined motions of defts. Defts' motion for a more definite statement sustained; defts' motion to strike redundant and immaterial matter denied at this time and taken under advisement; defts' motion to dismiss the complaint taken under advisement. Pltf. to file amended complaint within 10 days and brief; defts. to file brief and answer 10 days thereafter. Deft. to prepare order. (LB-J) (Bud Bailey-CSR)hm	
2-2-72	Amended complaint, filed. hm	
2-7-72	Order, filed, that defts' combined motion for a more definite statement is sustained & pltf. to file amended complaint; defts' combined motions to strike redundant & immaterial matter & to dismiss complaint are held in abeyance & pltf & defts. given 10 days from date of filing amended complaint to file briefs in support of complaint & said motions. (LB-J)hm (copies mailed)	
2-10-72	Memorandum Brief of Pltf. in support of complaint, filed. hm	
2-14-72	Supplemental Brief in Support of Combined Motions of Defts to Strike Redundant and Immaterial Matter, and to Dismiss the Complaint, filed.v	
2-22-72	Order, filed, that combined motions of defts. to strike redundant and immaterial matter and to dismiss the complaint are each denied & defts. ordered to file answers within 10 days. (LB-J)hm (copies mailed)	
3-3-72	Answer of the Deft., James A. Billington, filed. v	
3-3-72	Answer of the Deft., Merrill Lynch, Pierce, Fenner & Smith, Inc., filed.v	
4-4-72	Case set for pre-trial 4-20-72 at 9:30 a.m. (LB-J)hm	
4-19-72	Case stricken from PT assignment, to be reset after June 1. (LB-J)hm	
6-21-72	Case set for pre-trial 7-6-72 at 9:30 a.m. (LB-J)hm	
6-28-72	Case stricken from pre-trial assignment of 7-6-72, to be reset on next pre-trial docket. (LB-J)hm	
7-3-72	Deposition of Biruta Dzenits, taken on behalf of defts. on 5/11/72, filed.rm (Thomas G. Bloxom, C.S.R. - fee pd. by defts. \$95)	
7-3-72	Deposition of Biruta Dzenits, on behalf of defts. taken 5/18/72, filed. rm (Thomas G. Bloxom, C.S.R. - fee pd. by defts. \$110)	
8-8-72	Case set for Pre-Trials on Thurs., 8-31-72 @9:30. (LB-J)r	
8-28-72	Case stricken from pre-trial setting of 8-31-72, to be reset on next pre-trial docket. (LB-J)hm	
10-4-72	Case set for pre-trial 10-16-72 at 9:30 a.m. (LB-J)hm	
10-10-72	Interrogatories by pltf. to def. Billington, filed. rm	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-10-72	Request of pltf. for production of documents of def. Billington, filed. rm	
10-10-72	Interrogatories by pltf. to def. Merrill, Lynch, filed. rm	
10-10-72	Request for production of documents by pltf. to def. Merrill Lynch, filed. rm	
10-16-72	Case called for pre-trial hearing. Statements made & parties announce motions will be filed in case. Case stricken from PT and not to be reset until motions are ruled on. (LB-J)hm	
11-10-72	Responses of Def. James A. Billington to Plaintiff's request for production of documents filed. h	
11-10-72	Responses of Def. James A. Billington to Plaintiff's Interrogatories filed. h	
11-10-72	Responses of Def. Merrill Lynch, Pierce, Fenner & Smith, Inc., to Plaintiff's request for Production of documents filed. h	
11-10-72	Responses of def. Merrill Lynch, Pierce, Fenner & Smith, Inc., to Plaintiff's Interrogatories filed h	
11-15-72	Pltf's motion to require the deft. Merrill Lynch to answer interrogatories and to produce documents, filed. hm	
11-15-72	Brief in support of motion, filed. hm	
11-15-72	Pltf's motion to require the deft. James A. Billington to answer interrogatories and to produce documents, filed. hm	
11-15-72	Brief in support of motion, filed. hm	
12-1-72	Combined motions of defts. Merill Lynch, etc., & James A. Billington for S/J, filed. hm	
12-1-72	Brief in support of combined motions of defts. for S/J, filed. hm	
12-8-72	Combined reply brief of defts. to pltf's motions to require defts. to answer interrogatories and to produce documents, filed. hm	
12-14-72	Hearing held on defts' combined motion for S/J. Statements made. Motion sustained and deft. counsel to prepare formal order. Pltf's motion to require defts. to ans. interrog. & to produce documents moot. (LB-J)hm	
12-26-72	Letter dated 12-21-72, filed, from R. Robert Huff to Judge Bohanon with proposed summary judgment attached. hm	
1-19-73	Letter dated 12-21-72, filed, from R. H. Harbaugh to Judge Bohanon with proposed order for S/J & judgment attached. hm	
1-19-73	Order sustaining motions for S/J, filed and entered, that combined motions of defts. are sustained & S/J is entered for the defts. (LB-J)hm (copies mailed)	
1-22-73	Motion of plaintiff for court to set aside decision for S/J on 12-14-72 filed and Motion to amend complaint. h	
1-22-73	Brief in support of plaintiff's motion to reconsider S/J filed. h	
1-29-73	Bill of costs in the amt. of \$310.40, filed. hm	
2-14-73	<del>Hearing held on pltf's motion to reconsider decision on S/J. Motion denied &amp; Pltf. to prepare order. (LB-J)hm</del>	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
2-8-73	Defts. Combined Reply Brief to Pltfs Mot. to Reconsider Order Sustaining Mots. for Sum. Jgmt, filed. jj	
2-14-73	Hearing held on pltf's motion to reconsider decision on S/J. Motion denied & pltf. counsel to prepare proper order. (LB-J)hm	
2-14-73	Hearing held before Clerk on taxing of costs. Parties present. Costs taxed in the amt. of \$228.00. (JCS-Clerk)hm	
2-15-73	Order, filed, that pltf's motion to reconsider decision on S/J is denied. (LB-J)hm (copies mailed)	
2-15-73	Motion of pltf. to re-tax costs, w/brief in support thereof, filed.rm	
3-9-73	Pltf. Notice of Appeal, filed. jj cpy to USCA and J. Athens.	
3-9-73	Bond for Costs on Appeal, filed. jj	
3-13-73	Amended notice of appeal, filed. rm (copies to USCA & J. Athens)	
3-26-73	Case called for hearing on pltf's motion to re-tax costs. Ruling on motion, and all costs, held in abeyance until Circuit rules on appeal. Pltf. counsel to prepare order. (LB-J)hm	
3-30-73	Order, filed, that motion to re-tax costs is held in abeyance until Tenth Circuit Court of Appeals has ruled upon pending appeal. (LB-J)hm (copies mailed)	
4-11-73	Request (letter) to include depositions (2) of Biruta Dzenits in appeal record, filed. g	
4-13-73	Order extending time to file and docket appeal to 6/5/73. (LB-J)rm <i>Copies mailed</i>	
6-8-73	Order of USCA extending time to docket appeal to 6/28/73, filed. rm <i>copies mailed</i>	
6-15-73	Transcript of proceedings on hearing on motions, held 12/14/72 and 2/14/73, filed. rm	
6-15-73	Appeal record (4 vols.) sent to USCA. rm	
4-2-74	Mandate & Opinion of USCA reversing judgment of 1-19-73 and remanding cause for further proceedings in accordance with the opinion, filed and spread of record. g	
4-2-74	Statement of costs taxed against the deft. Merrill Lynch, Pierce, Fenner & Smith and James A. Billington in sum of \$247.10, by USCA, 10th Circuit, filed. g	
5-8-74	Motion of pltf. for leave to file second amended complaint, filed. rm (orig. 2nd am. complt. attached)	
5-8-74	Brief in support of mo. for leave to file 2nd am. compltf., filed. rm	
5-8-74	Request of pltf. for jury trial, filed. rm	
5-17-74	Appeal record (4 vols.) rec'd. from USCA. g	
6-17-74	Hearing held on pltf's motions to require deft. Merrill Lynch and Billington to answer interrogatories and to produce documents, and pltf's motion for leave to file second amended complaint. Statements made. Deft. objects to pltf's request for jury trial. Court orders deft. to make available to pltf. any and all documents requested by pltf. & pltf. to make copies at own expense. Court takes all motions and demand for jury trial under advisement. Deft. to file brief this	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
	date and pltf. to file answer brief within 10 days. Pltf. requests case to be set on jury docket. (LB-J)hm	
6-17-74	Combined Resp. of Defts. to Mtn for Leave to File 2nd Amended Complaint and Obj. to Request for Jury Trial, filed.jj	
7-2-74	Pltf's reply to response of defts. to pltf's mot. to file second amended complaint, and objections to request for jury trial, filed.g <i>also to LB</i>	
7-11-74	Combined Answer of Defs. to Plaintiff's Reply, filed.k	
7-15-74	Order, filed, that deft. make available to pltf. documents that pltf. has requested at location in which said documents are stored, & that pltf. be allowed to copy said documents at her own expense; and that should pltf. choose to reproduce any documents of defts, pltf. shall provide one copy to defts., such copy being provided the deft. at defts' expense. (LB-J)hm (copies mailed)	
7-15-74	Order, filed, that pltf's motion for leave to amend her complaint and pltf's request for a jury trial should be, and are hereby denied. (LB-J)hm (copies mailed)	
7-23-74	Order, filed that discovery will not be made under Interrog. No. 2 & No. 5 as filed by Pltf on 11-10-72 & directed to def. Merrill Lynch, Pierce, Fenner & Smith, Inc.; and that discovery will not be made under Interrog. No. 4, No. 5, No. 7 & No. 8 as filed by Pltf on 11-10-72 & directed to def. James A. Billington. (LB-J)k cps mld.k	
7-23-74	Order, filed that Pltf's request for discovery pursuant to Rule 34 FRCP made upon def. Merrill Lynch, Pierce, Fenner & Smith, Inc. is limited in that theses documents are excluded & not made available for pltf's inspection and/or copying: "Copy of the Prospectus for all public issues of stock of MERRILL LYNCH issued after the year 1969"; that request made upon def. James A. Billington is limited in that these documents are excluded & not made available for pltf's inspection and/or copying: "Federal Income Tax Returns for each year for the years 1963 through 1969". (LB-J)k copies mailed.k	
8-27-74	Ordered that hearing on request for clarification of orders dated 7-15-74 set for 9-10-74 is stricken, to be reset on next docket. (LB-J)hm (letter written)	
9-27-74	Stipulation for dismissal with prejudice, filed. hm 059	
10-1-74	Order dismissing with prejudice, filed and entered. (LB-J)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Note